

11 JUL 1975

MEMORANDUM FOR: Assistant for Information, DDA

SUBJECT: Presidential Recordings and Materials Preservation Act

1. The Information Review Staff has studied the GSA Report to Congress on implementation of the Act, and the memoranda from both OLC and OGC noting potential problem areas for the CIA. Our comments derive less from the legal and regulatory standpoints, and more from the view obtained through working closely with personnel of the National Archives and Records Service, including those of the Office of Presidential Libraries, over several years on matters of review and possible release to the public of classified documents of the CIA and its predecessor organizations.

2. We doubt that any major problem lies in store for the CIA in terms of defining "Presidential papers." Given the 35,000 cubic feet of materials to survey and accession, the Nixon Library staff will have more than it can handle within allowable time if it were to attempt to study where papers might be added in the interests of completeness. (The clear exception in this regard, of course, would be those materials related in any way to "Watergate.") Professional activists know, and assume that researchers know, that research on any presidential administration in most cases won't be limited to materials that happen to have been in the possession of that President but rather will engulf papers in the files of other departments and agencies of the executive branch as well as the Congress, etc.

3. Procedures and practices are rather well developed within the Presidential Libraries as to the handling of national security information. The GSA Report outlines some of these in establishing the referral system on the Nixon papers whereby those found to have national security information will be sent to the National Security Council for review. Under extant ground rules, the NSC would, in turn, refer to the CIA those documents wherein CIA might be involved, even if not clearly identifiable in the substance of the document.

4. The problem in regard to applying these procedures and practices would appear to lie in the area of selecting, assigning, and directing the personnel who will be making the initial decisions as to whether national security considerations are involved. The CIA would be well

advised to consider (a) the clearances which will be required by the various levels of archivists doing the review which results in decisions to send or not to send particular documents to the NSC, (b) the orientation that might be given to those with appropriate clearances so as to enable proper decisions on referral to the NSC, and possibly (c) the detailing of CIA personnel to assist in the screening of certain key blocks of material. Based on what we know of problems encountered with the libraries of the more recent Presidents, CIA advice on physical compartmentation and handling of certain types of sensitive documents might better be done early in the Nixon Library development rather than waiting for the inevitable problems to emerge.

5. Experience with the Presidential Libraries shows them to be at one and the same time fruitful areas for researchers and problem areas for those trying to protect national security equities. The nub here is the fact that, generally speaking, the President was given the most important and most difficult decisions, and the most informative material with which to understand problems and make the necessary decisions. As a result, Presidential papers frequently (a) sacrifice sensitivity controls for clarity of presentation, and (b) have been handled and filed in the White House without benefit of the protection they should have had by professional intelligence standards. One of the biggest problem areas in this regard will be the indices accompanying the papers or to be developed by the archivists. Again, CIA advice and assistance at an early stage might pay real dividends for the future.

6. Note must be made of the professed intention to rely heavily on "the skill and judgment of professional Federal archivists." While in no way impugning the capabilities or motivations of the archival profession, it must be kept in mind that archivists are oriented toward making available all documentary material that can be. Significant sectors of public sentiment are certainly with them in this regard as they approach the Nixon papers. When shown some of the more obscure areas of national security concern, they will readily follow established practices on checking out needs for protection, but they do need to be shown from time to time. All of this simply to register a degree of concern that organizationally the GSA proposes staffing their review levels with archival/library personnel without representation from the national security sector. There would be "a panel of senior archivists" working under a Special Archivist for Nixon Materials, with a higher body to be composed of the Archivist of the United States, the Librarian of Congress, and "one other professional." The ultimate decision on the most difficult questions would be made by the GSA Administrator. All three levels could allow for appropriate national security advice, if the system works properly, but there is no organizational provision to insure this.

7. In summary, it is the view of this Staff that problems for this Agency in the implementation of the Presidential Recordings and Materials Preservation Act are not to be found so much in the wording of the GSA Report as in the manner by which the National Archives and Records Service staffs and directs this effort in its early stages. An appropriate offer of CIA cooperation and support would be in order.

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Chief
Information Review Staff

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